

AMENDED IN SENATE JUNE 27, 2012

AMENDED IN ASSEMBLY MAY 21, 2012

AMENDED IN ASSEMBLY APRIL 17, 2012

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 2559**

---

**Introduced by Assembly Member Buchanan**

February 24, 2012

---

An act to add ~~Chapter 5.5 (commencing with Section 8070) to Division 4 of the Public Utilities Code~~ *Section 65963.2 to the Government Code*, relating to ~~natural gas pipelines~~ *local government*.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2559, as amended, Buchanan. ~~Natural gas pipelines: pipeline integrity management.~~ *Local government: pipeline projects: approval.*

*Existing law, the Permit Streamlining Act, governs the approval process that a city, county, or city and county must follow when approving, among other things, a project that is located within a flood hazard zone, a permit for a hazardous waste facility project, and a permit for construction or reconstruction for a development project for a wireless telecommunications facility.*

*This bill would require a city, county, or city and county to act on an application by a gas corporation that is a public utility for a ministerial pipeline project permit within a public street or highway or any other public right-of-way within 10 business days of determining that an application for the pipeline project is complete, except as specified, thereby imposing a state-mandated local program.*

~~Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including gas corporations, as defined. The Natural Gas Pipeline Safety Act of 2011 designates the commission as the state authority responsible for regulating and enforcing intrastate gas pipeline transportation and pipeline facilities pursuant to federal law, including the development, submission, and administration of a state pipeline safety program certification for natural gas pipelines.~~

~~This bill would require the commission to ensure that a local entity is provided notice by a gas corporation whenever a pipeline integrity management plan, as defined, may result in the gas corporation undertaking pipeline inspection, remediation, or replacement work within the jurisdiction of the local entity, and the inspection, remediation, or replacement work within that jurisdiction is likely to require action by the local entity to approve or facilitate the work. The bill would require that the local entity that has been provided with notice expedite any permitting, as defined, or other actions necessary to complete any pipeline inspection, remediation, or replacement work within the jurisdiction of the local entity that is necessary pursuant to the pipeline integrity management plan. The bill would require a local entity that cannot issue a decision on a permit within 10 business days of the submission of the permit application, to provide a written explanation to the utility applying for the permit, and to provide the utility with a timeline by which the local entity will, as soon as possible, issue a decision on the permit. The bill would also prohibit a local entity from imposing permit requirements that exceed the scope of the proposed pipeline project, unless the additional requirements specifically relate to the project and are necessary for public safety. By requiring a higher level of service by local government entities that may be affected by work undertaken pursuant to a pipeline integrity management plan, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.~~

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 65963.2 is added to the Government Code,*  
2     *to read:*

3     65963.2. (a) *For purposes of this section, the following terms*  
4     *have the following meanings:*

5         (1) *“Commission” means the Public Utilities Commission.*

6         (2) *“Pipeline integrity management plan” means a plan adopted*  
7     *by the commission that includes an activity undertaken by a gas*  
8     *corporation that is a public utility to enhance the safety of a natural*  
9     *gas pipeline.*

10        (3) *“Pipeline project” means a pipeline inspection, remediation,*  
11     *removal, or replacement, including any valve, flange, meter, or*  
12     *other piece of equipment directly attached to the pipeline, in*  
13     *accordance with a pipeline integrity management plan.*

14        (b) *A city, county, or city and county shall act on an application*  
15     *by a gas corporation that is a public utility for a ministerial*  
16     *pipeline project permit within a public street or highway or any*  
17     *other public right-of-way within 10 business days of determining*  
18     *that an application for the pipeline project is complete.*

19        (c) *If the city, county, or city and county cannot act on the*  
20     *application within 10 business days of determining that an*  
21     *application for the pipeline project is complete pursuant to*  
22     *subdivision (b), the city, county, or city and county shall provide*  
23     *the gas corporation with a written timeline indicating the time,*  
24     *which shall occur as soon as possible, by which the city, county,*  
25     *or city and county will act on the application.*

26     ~~SECTION 1. Chapter 5.5 (commencing with Section 8070) is~~  
27     ~~added to Division 4 of the Public Utilities Code, to read:~~

28  
29     ~~CHAPTER 5.5. NATURAL GAS PIPELINE CONSTRUCTION~~  
30

31     ~~8070. (a) For purposes of this section, the following terms~~  
32     ~~have the following meanings:~~

33        ~~(1) “Expedite any permitting” means to issue a decision on a~~  
34     ~~permit within 10 business days of the submission of the permit~~  
35     ~~application.~~

36        ~~(2) “Local entity” means a city, county, city and county, local~~  
37     ~~agency, joint powers agency, special district, or any entity of local~~  
38     ~~government that has authority to grant approvals necessary to~~

1 ~~implement a pipeline integrity management plan within the~~  
2 ~~jurisdiction of the local entity.~~

3 ~~(3) “Pipeline integrity management plan” means an activity~~  
4 ~~undertaken by a public utility to enhance the safety of an intrastate~~  
5 ~~natural gas pipeline in accordance with a decision, rule, or~~  
6 ~~regulation adopted by the commission.~~

7 ~~(b) The commission shall ensure that a local entity is provided~~  
8 ~~notice by a gas corporation whenever a pipeline integrity~~  
9 ~~management plan may result in the gas corporation undertaking~~  
10 ~~pipeline inspection, remediation, or replacement work within the~~  
11 ~~jurisdiction of the local entity, and the inspection, remediation, or~~  
12 ~~replacement work is likely to require action by the local entity to~~  
13 ~~approve or facilitate the work.~~

14 ~~(c) A local entity that has been provided notice pursuant to~~  
15 ~~subdivision (b) shall expedite any permitting or other actions~~  
16 ~~necessary to complete any pipeline inspection, remediation, or~~  
17 ~~replacement work within the jurisdiction of the local entity, and~~  
18 ~~that is necessary pursuant to an approved pipeline integrity~~  
19 ~~management plan. Where a local entity cannot issue a decision on~~  
20 ~~a permit within 10 business days of the submission of the permit~~  
21 ~~application, the local entity shall provide a written explanation to~~  
22 ~~the utility applying for the permit, and shall provide the utility~~  
23 ~~with a timeline by which the local entity will, as soon as possible,~~  
24 ~~issue a decision on the permit.~~

25 ~~(d) A local entity shall not impose permit requirements that~~  
26 ~~exceed the scope of the proposed pipeline project, unless the~~  
27 ~~additional requirements specifically relate to the project and are~~  
28 ~~necessary for public safety.~~

29 SEC. 2. If the Commission on State Mandates determines that  
30 this act contains costs mandated by the state, reimbursement to  
31 local agencies and school districts for those costs shall be made  
32 pursuant to Part 7 (commencing with Section 17500) of Division  
33 4 of Title 2 of the Government Code.